

REMARKS

Claims 1 – 4, 9 – 14, 16 – 19 and 21 - 32 are pending in the present application. Claims 5 – 8, 15 and 20 were previously canceled.

On 9 APR 2004, Applicant submitted an Information Disclosure Statement with a PTO-1449 that listed several references. Applicant has not yet received a copy of the PTO-1449 indicating that the Office considered the references listed thereon. Applicant respectfully requests that with the next office communication, the Examiner includes a **copy of the PTO-1449 indicating that the Office considered the references.**

On page 2 of the Office Action, claims 9 and 31 are rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter, and claims 10 – 14, 26 and 27 are also rejected because of their dependency on claim 9. Applicant amended claims 9 and 31 to overcome this rejection. Reconsideration and withdrawal of the section 101 rejection are respectfully solicited.

On page 3 of the Office Action, claims 1 – 4, 9 – 14, 16 – 19 and 21 – 32 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,334,125 to Johnson et al. (hereinafter "the Johnson et al. patent"). The application contains six independent claims, namely claims 1, 9, 16, and 30 – 32. Applicant amended each of the independent claims to clarify an aspect of the claims that is neither disclosed nor suggested by the Johnson et al. patent.

Claim 1 provides for a system having a module that provides a key that includes (1) a unique identifier of a datum, and (2) an additional attribute. The key is utilized by a process that associates the key with the datum in an index of the datum, so that the additional attribute is also associated with the datum in the index. Such a key is represented, for example, in FIG. 2, which shows a special document key 265 that includes a unique identifier and an additional attribute.

The Johnson et al. patent is directed toward a technique for loading data into a data structure (col. 1, lines 15 – 16). The technique includes creating an index for the data structure (col. 3, lines 15), where the index has a plurality of keys that are attributes of nodes in the data structure (col. 3, line 19).

Applicant has not found any disclosure in the Johnson et al. patent that the keys described therein include a unique identifier of a datum. To the contrary, the Johnson et al. patent describes a key of an identifying data record (col. 2, line 60). Thus, in the Johnson et al. patent, an identifier is contained in a data record rather than in a key.

Whereas the Johnson et al. patent **does not disclose** that a key includes a unique identifier of a datum, **but to the contrary, discloses** that an identifier is contained in a data record rather than in a key, **the Johnson et al. patent neither discloses nor suggests** a key that includes a unique identifier of a datum, as recited in claim 1. Thus, claim 1 is both novel and non-obvious over the Johnson et al. patent.

Independent claims 9, 16 and 30 – 32 each include recitals similar to those of claim 1, as described above. As such, claims 9, 16 and 30 – 32, for reasoning similar to that provided in support of claim 1, are also both novel and non-obvious over the Johnson et al. patent.

Claims 2 – 4 depend from claim 1. Claims 10 – 14 depend from claim 9. Claims 17 – 19 depend from claim 16. Claims 21 – 25 depend from claim 1. Claims 26 and 27 depend from claim 9. Claims 28 and 29 depend from claim 16. By virtue of these dependencies, all of claims 2 – 4, 10 – 14, 17 – 19 and 21 – 29 are also novel and non-obvious over the Johnson et al. patent.

Applicant respectfully requests reconsideration and withdrawal of the section 102(e) rejection of claims 1 – 4, 9 – 14, 16 – 19 and 21 – 32.

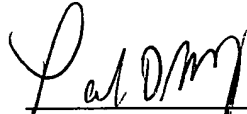
As mentioned above, Applicant amended independent claims 1, 9, 16, and 30 – 32 to clarify an aspect of the claims that is neither described nor suggested by the art of record, and also amended claims 9 and 31 to overcome a rejection under section 101. Applicant amended claims 2 – 4, 10 – 14, 17 – 19 and 21 – 29 for consistency with the recitals of the independent claims. The amendments are not intended to narrow the meaning of any term of the claims, and as such, the doctrine of equivalents should be available for all of the elements of all of the claims.

In view of the foregoing, Applicant respectfully submits that all claims presented in this application patentably distinguish over the prior art. Accordingly, Applicant respectfully requests favorable consideration and that this application be passed to allowance.

Respectfully submitted,

5-9-05

Date



Paul D. Greeley, Esq.
Reg. No. 31,019
Attorney for the Applicant
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.
One Landmark Square, 10th Floor
Stamford, CT 06901-2682
Tel: 203-327-4500
Fax: 203-327-6401